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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2012-114

13 **LANCE ALAN UHLES**
28116 Eucalyptus Ave
14 Highland, CA 92346

ACCUSATION

15 Registered Nurse License No. 506009

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about October 28, 1994, the Board issued Registered Nurse License No.
23 506009 to Lance Alan Uhles (Respondent). The Registered Nurse License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on February 29, 2012,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 492 states:

"Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

"This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division."

6. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"

1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it. . . ."

4 8. Section 2762 states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the meaning of this
6 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
7 chapter to do any of the following:

8 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
9 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
10 administer to another, any controlled substance as defined in Division 10 (commencing with
11 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
12 defined in Section 4022.

13 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
14 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
15 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
16 himself or herself, any other person, or the public or to the extent that such use impairs his or her
17 ability to conduct with safety to the public the practice authorized by his or her license. . . ."

18 **COST RECOVERY**

19 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

24 10. Ativan, a brand name for Lorazepam, a benzodiazepine derivative, is a Schedule IV
25 controlled substance designated by Health and Safety Code section 11057, subdivision (d)(16),
26 and is a dangerous drug pursuant to section 4022.

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11. Benzodiazepines are a Schedule IV controlled substance designated by Health and Safety Code section 11057 (d), and is a dangerous drug pursuant to section 4022.

12. Demerol, a brand of meperidine hydrochloride, a derivative of the narcotic substance pethidine, is a Schedule II controlled substance designated by Health and Safety Code section 11055(c)(17) and is a dangerous drug pursuant to section 4022.

13. Fentanyl is a Schedule II controlled substance designated by Health and Safety Code section 11055(c)(8) and is a dangerous drug pursuant to section 4022.

14. Hydromorphone, an opium derivative, is a Schedule II controlled substance designated by Health and Safety Code section 11055(b)(1)(k) and is a dangerous drug pursuant to section 4022.

15. Morphine, an opiate, is classified as a Schedule II controlled substance designated by Health and Safety Code section 11055, subdivisions (b)(1)(M) and (b)(2), and is a dangerous drug pursuant to section 4022.

16. Norco is the brand name for the combination narcotic, Hydrocodone and Acetaminophen, and is a Schedule III controlled substance designated by Health and Safety Code section 11056(e) and is a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Illegally Obtain / Possess Controlled Substances)

17. Respondent is subject to disciplinary action under section 2761, subdivision (a), and 2762, subdivision (a), on the grounds of unprofessional conduct, in that Respondent illegally obtained or possessed controlled substances and dangerous drugs, as follows:

18. On or about September 16, 2009, Respondent presented a forged prescription for "Norco," a controlled substance and dangerous drug to C.V.S. Pharmacy, located in the city of Norco. The prescription was written by Respondent using a prescription pad stolen from TriCity Medical Center in Oceanside, California, where Respondent had previously worked as a registered nurse.

a. Upon receipt of the forged prescription, C.V.S. pharmacy contacted the Riverside County Sheriff's Department, who transported Respondent to Norco City Hall for further

1 investigation. During the interview, of that same date, Respondent admitted using the stolen
2 prescription pad to forge prescriptions using the doctor's name and DEA number. Moreover,
3 Respondent admitted to have forged prescriptions approximately seven to twelve times in the
4 past.

5 b. On or about November 17, 2009, Respondent pled guilty and was convicted of one
6 misdemeanor count of violating Health and Safety Code section 11368 [forge and alter
7 prescription] in the criminal proceeding entitled *The People of the State of California v. Lance*
8 *Alan Uhles* (Super. Ct. Riverside County, 2009, No. RIM539098). Respondent was enrolled in
9 drug diversion and placed in the Deferred Entry of Judgment Program.

10 19. During the period December 5-13, 2008, Respondent was employed as a registered
11 nurse at Lakewood Regional Medical Center (LRMC). On at least two occasions, Respondent
12 was observed breaking in or attempting to break into locked portions of the facility where drugs
13 were stored. During this time period, LRMC discovered and documented thefts of controlled
14 substances. The facility filed Report(s) of Theft or Loss of Controlled Substances, DEA Form
15 106, for losses of drugs as follows:

| 12/5/2008 | 12/8/2008 | 12/13/2008 | Controlled Substance |
|-----------|-----------|------------|----------------------------|
| 5 | 15 | 10 | Demerol, 50mg syringe |
| | 27 | 12 | Fentanyl, 100mcg AMP |
| | 6 | | Duramorph, 5mg AMP |
| | 4 | | Fentanyl, 250mcg AMP |
| | | 20 | Hydromorphone, 2mg syringe |
| | | 3 | Morphine, 30mg PCA |
| | | 20 | Morphine, 10mg syringe |

23 a. Specifically, on December 13, 2008, while on duty as a House Supervisor,
24 registered nurse at LRMC, Respondent was observed on video surveillance attempting to break
25 into the Surgery Supply/Anesthesia Room. On December 15, 2008, Respondent was asked to
26 take a drug test, where he tested positive for Benzodiazepines and Opiates.

1 b. On or about December 8, 2008, while on duty as a House Supervisor, registered
2 nurse at LRMC, Respondent was observed on video surveillance breaking into the basement
3 surgery medication room, which was an unauthorized area of the hospital. On that date, a
4 significant amount of schedule II narcotics were reported as having been taken.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dangerous Use of Controlled Substances)**

7 20. Respondent is subject to disciplinary action under sections 2761, subdivision (a), and
8 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent dangerously
9 used controlled substances and dangerous drugs to an extent or in a manner dangerous or
10 injurious to himself or others. Complainant refers to and by this reference incorporates the
11 allegations set forth above in paragraphs 18 through 19, as though set forth fully herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct / Violate Act)**

14 21. Respondent is subject to disciplinary action under section 2761, subdivision (a) and /
15 or (d), in that Respondent committed acts of unprofessional conduct and/or violated the Nursing
16 Practice Act. Complainant refers to and by this reference incorporates the allegations set forth
17 above in paragraphs 18 through 19, and 20 as though set forth fully herein.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License No. 506009 issued to Lance Alan
22 Uhles;

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2. Ordering Lance Alan Uhles to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

August 16, 2011

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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